

Boone County Area Plan Commission

Zoning Amendment

APPLICATION PROCEDURES:

STEP ONE: PRE-APPLICATION

Before filing an application, it is recommended that the applicant meet with the Executive Director of the Area Plan Commission at least one week prior to the anticipated application submission to discuss the proposed request and to become more familiar with the applicable requirements. At this time, the Executive Director will determine approximately how long the review process will take before the application can be heard by the APC and placed on its agenda. The anticipated agenda date will be used in all public notice requirements. Call (765) 482-3821 to schedule a meeting.

STEP TWO: APPLICATION

1. A complete Zoning Amendment Application and all required Attachments are to be submitted by 4:00pm of the posted deadline date, as shown on the Area Plan Commission Application Schedule (see page 4). Please submit the application, attachments, and associated fees to the Area Plan Commission Office, 116 Washington Street, Room 101, Lebanon, Indiana. The APC Staff shall determine whether the application is complete. If the application is not complete, the applicant will be notified of the deficiencies. Applications submitted or completed after the posted deadline date will be placed on the next month's application cycle.
2. The items below are required in order to complete your application and shall be submitted when your application is filed. **PLEASE FOLD ALL PLANS AND MAPS SUBMITTED.**

☐ Application Form

- All items must be completed fully and either typewritten or printed in ink.
- The application must be signed by the applicants and notarized.

☐ Application Fee

- \$500 base fee plus \$25 per acre for Residential Subdivision (map amendments)
- \$500 base fee plus \$50 per acre for Commercial/Industrial, including undeveloped areas (map amendments)
- \$500 base fee plus \$50 per acre for change of zoning classification or text changes
- Checks are to be made payable to the Boone County Treasurer.

☐ Site Plan

- Site Plan. (10 copies). Plan prepared by a Registered Land Surveyor including a matching legal description.
- Copy of the basic site plan not exceeding 11" x 17" in size.

☐ Aerial Location Map

- Aerial map can be obtained from the Boone County Surveyor's Office (765) 483-4444 or Boone County Area Plan Commission Office.
- Draw property lines of the site plan on the map.

PUBLIC NOTICE PROCEDURES:

☐ **Newspaper Advertisement**

- Complete **Form: Notice of Public Hearing for Newspaper.**
- Publish the completed form in either the Lebanon Reporter or the Zionsville Times Sentinel at least 15 days prior to the APC meeting according to the Application Schedule (see page 4.)
 - Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.
 - Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.
- Submit proof of your newspaper advertisement to the Area Plan Commission Office according to the Application Schedule (see page 4.)
- Failure to submit proof of advertisement after the posted deadline will automatically table the application's hearing until the next meeting of the APC.

☐ **Surrounding Property Owner Notification**

- The next business day following the filing deadline, staff will contact you with the names and addresses of all property owners within 660 feet of the subject property.
- Complete **Form: Notice of Public Hearing for Surrounding Property Owners.**
- Mail a Certified Letter (return receipts and green cards) to each of the listed property owners at least 25 days prior to the APC meeting according to the Application Schedule (see page 4.) Include the form and its necessary attachments.
 - Staff can prepare the copies of the letters for a fee of \$0.10 per page. Necessary postage and timely mailing are the responsibility of the applicant.
- If your property borders or comes close to the Boone County line, it is your responsibility to locate properties within the 660-foot radius that fall outside of the county and their corresponding owners. Contact numbers for this information are as follows:
 - Hamilton County (317) 776-9624
 - Clinton County (765) 669-6330
 - Montgomery County (765) 364-6400
 - Hendricks County (317) 746-9300
 - Marion County (317) 327-3001.
- Submit proof of property owner notification (green cards and/or return receipts) to the Area Plan commission Office according the Application Schedule (see page 4.)
- Failure to submit proof of notice after the posted deadline will automatically table the application's hearing until the next meeting of the APC.

TECHNICAL ADVISORY COMMITTEE

The Technical Advisory Committee (TAC) reviews the technical aspects of the proposal and will meet to discuss your proposal in the APC Office according to the Application Schedule (see page 4). APC Staff will contact you with an appointment time. The TAC generally includes APC Staff, Surveyor, Board of Health, NRCS, applicable Engineer, applicable Public Utility, applicable Executive Officer of affected Town or City, applicable Highway Department, applicable School Superintendent, and applicable Safety Services. You or a designated representative with technical information regarding your submittal should attend. In some instances, additional information is required by the TAC in order to make a technical review of your application. This information

must be submitted by the last day to submit information for the Staff Report according to the Application Schedule (see page 4).

STAFF REPORT AND AGENDA

After a thorough examination of information in the public record and findings from additional research, staff shall release the Staff Report and Agenda providing analysis of each agenda item. Such report shall be released along with the agenda 10 days prior to the hearing according to the Application Schedule (see page 4.) All additional documents to be studied and considered by staff for use in the Staff Report should be submitted no less than 15 days prior to the hearing according to the Application Schedule (see page 4.) Any interested party may provide support documentation to be delivered to the APC members along with the Staff Report. To do so, the party must provide 10 copies of each document, which should be submitted no less than 15 days prior to the hearing according to the Application Schedule (see page 4.)

The Hearings of the APC and Legislative Body & Decision Guidelines

Area Plan Commission

The APC shall follow their adopted Rules of Procedure for the hearing, a copy of which is available at the APC office. Public hearings of the APC are generally held the first Wednesday of each month at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

When your request comes up on the agenda, you will be asked to present your request to the Commission. You may employ an attorney for this purpose or do it yourself. You may use any maps or graphics that will assist in the presentation. If the Commission members need additional information, they will ask questions regarding your request. The Commission will hear your request and make a recommendation: Favorable, Unfavorable, or No Recommendation. Within 10 business days of the hearing, the Executive Director will Certify in writing the APC's recommendation to the appropriate Legislative Body (County Commissioners or Town Councils).

Legislative Body Hearing

After the APC Hearing, the petitioner must contact the Executive Director to place their petition on the agenda of the appropriate Legislative Body. The applicant or a representative is required to attend the hearing of the Legislative Body. In addition, the Executive Director will attend the meeting to answer any questions that the members may have regarding the petition or the recommendation of the APC.

Zoning is essentially a political matter over which the Legislative Body has complete discretion. The recommendation of the APC is only advisory, and the Legislative Body is not bound to follow their recommendation. As per State Law, the Legislative Body must make their final decision regarding a Zoning Amendment within 90 days of the Certification by the Executive Director. If after 90 days a hearing has not occurred, the petition dies unless a unanimous recommendation of the APC occurred, in which case the recommendation will prevail as the final overall decision.

Statutory Guidelines for Zoning Amendments

In accordance with IC 36-7-4-603, when considering a proposal for rezoning, the APC must pay reasonable regard to the following:

1. The Comprehensive Plan;
2. Current conditions and the character of the current structures and uses in each district;
3. The most desirable use for which the land in each district is adapted;
4. The conservation of property values throughout the jurisdiction;
5. Responsible development and growth.

AREA PLAN COMMISSION APPLICATION SCHEDULE -- 2015

The following table depicts the deadlines for petitions before the APC. Deviations from this schedule are not permitted without approval from the Commission. Public hearings of the APC are generally held at 7:00 p.m. at the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana. Always check with the APC office to verify the exact meeting date, place, and time should a conflict occur.

		APC Schedule 2015					
Filing deadline	TAC 8:30 am	Absolute last day to submit info requested at TAC for review to be in staff report	Last day for public notice to be published	Agenda & Staff Report published	Last day to submit info to the file (not to be in staff report)	Last day to submit proof of notification	Public Hearing
*26-Nov-14	10-Dec-14	17-Dec-14	20-Dec-14	29-Dec-14	29-Dec-14	2-Jan-15	7-Jan-15
26-Dec-14	7-Jan-15	14-Jan-15	17-Jan-15	26-Jan-15	26-Jan-15	30-Jan-15	4-Feb-15
23-Jan-15	4-Feb-15	11-Feb-15	14-Feb-15	23-Feb-15	23-Feb-15	27-Feb-15	4-Mar-15
20-Feb-15	4-Mar-15	11-Mar-15	14-Mar-15	23-Mar-15	23-Mar-15	27-Mar-15	1-Apr-15
27-Mar-15	8-Apr-15	15-Apr-15	18-Apr-15	24-Apr-15	24-Apr-15	27-Apr-15	6-May-15
24-Apr-15	6-May-15	11-May-15	14-May-15	22-May-15	22-May-15	29-May-15	3-Jun-15
22-May-15	3-Jun-15	10-Jun-15	13-Jun-15	22-Jun-15	22-Jun-15	26-Jun-15	1-Jul-15
26-Jun-15	8-Jul-15	15-Jul-15	18-Jul-15	27-Jul-15	27-Jul-15	31-Jul-15	5-Aug-15
24-Jul-15	5-Aug-15	12-Aug-15	15-Aug-15	24-Aug-15	24-Aug-15	28-Aug-15	2-Sep-15
28-Aug-15	9-Sep-15	16-Sep-15	19-Sep-15	28-Sep-15	28-Sep-15	2-Oct-15	7-Oct-15
25-Sep-15	7-Oct-15	14-Oct-15	17-Oct-15	26-Oct-15	26-Oct-15	30-Oct-15	4-Nov-15
23-Oct-15	4-Nov-15	9-Nov-15	12-Nov-15	*20-Nov-15	20-Nov-15	25-Nov-15	2-Dec-15
*25-Nov-15	9-Dec-15	15-Dec-15	18-Dec-15	*28-Dec-15	*28-Dec-15	*30-Dec-15	6-Jan-16
*23-Dec-15	6-Jan-16	13-Jan-16	16-Jan-16	25-Jan-16	25-Jan-16	29-Jan-16	3-Feb-16
*changed due to holidays							
** Article 5.2.3 Information to be delivered with the staff report should be submitted							
no less than fifteen (15) days prior to the meeting							
** Article 5.3 All parties shall be allowed to submit documents into public record up to							
no less than five (5) days prior to the meeting							
** APC Rules of Procedure states that the notice in the paper shall appear							
no less than fifteen (15) days prior to the public meeting							

HEARINGS OF THE LEGISLATIVE BODIES

After the APC Hearing, contact the Executive Director of the Area Plan Commission at (765) 482-3821 to place your application on the agenda of the appropriate Legislative Body for the final hearing.

Boone County Commissioners. The Commissioners meet every other Monday morning except the LAST Monday of each month. Meetings are held in the Boone County Office Building Meeting Room, 116 Washington Street, Lebanon, Indiana.

Advance Town Council. The Council meets the first Wednesday evening of each month. Meetings are held at the Advance Town Hall in Downtown Advance, Indiana.

Boone County Area Plan Commission

Zoning Amendment Application

For Office Use Only: **FILE NUMBER**

_____-16-_____
Year Twp File #

1. Petitioner(s)

Check one: ☐ owner ☐ agent ☐ lessee ☐ contract purchaser ☐ other _____

Name:

Address:

Phone Number:

Fax Number:

E-Mail Address:

2. Property Owner(s)

If Applicant is not the Owner, attach completed Attachment A: Affidavit of Ownership

Name:

Address:

Phone Number:

Fax Number:

E-Mail Address:

3. Applicant's Contact Person or Attorney and Project Engineer (if any)

Contact Person/ Attorney Name:

Project Engineer:

Address:

Address:

Phone Number:

Phone Number:

Fax Number:

Fax Number:

E-Mail Address:

E-Mail Address:

4. Site Information

If only part of a parcel is requested for the Zoning Amendment, then write "PART" after the Boone County Parcel Identification Number(s).

Boone County Parcel Identification Number(s):

Address:

General street location from the closest street intersection:

Township

Section

Twp

Range

Existing Use of the Property:

Area (acres or square feet):

Current Zoning:

Proposed Zoning:

Proposed Land Use as per Table 2 of the Zoning Ordinance:

Current Comprehensive Plan designation:

5. Detailed Description of Proposed Use

Type of Use:	
Number of Entrances/Exits:	Will site have sewer and water utilities?
Is road serving site paved?	Hours of Operation (if other than residential):
Briefly describe area traffic impact, if any:	
Types of vehicles utilizing site:	

6. Attachments to Include With Application

- ☐ Application Fee: \$500 base fee plus \$25 per acre
☐ \$500 base fee plus \$50 per acre for Commercial/Industrial, including undeveloped areas (map amendments)
☐ \$500 base fee plus \$50 per acre for change of zoning classification or text changes
- ☐ Site Plan with Legal Description
☐ Attachment A: Affidavit of Ownership (if applicable)

The undersigned states the above information is true and correct as (s)he is informed and believes.

Signature(s) of Applicant(s):

Date:

Notary Statement

Sworn to and subscribed before me the

_____ day of _____, 20_____

Notary Public in and for the State of Indiana.

My commission expires: _____

Notary Public / Printed

Seal

For Office Use Only		
Date Filed:	Public Notice:	Newspaper Ad:
Date of APC Hearing:		
Decision of APC: <input type="checkbox"/> unfavorable <input type="checkbox"/> favorable <input type="checkbox"/> favorable with conditions		
Conditions:		

Revised November 20, 2014
Boone County Area Plan Commission
116 W Washington St. Room 101
Lebanon, IN 46052
www.boonecounty.in.gov/apc
765-482-3821

Boone County Area Plan Commission
Zoning Amendment Application
Attachment A: Affidavit of Ownership

If the owner(s) of the subject property are giving authorization for someone else to apply for the Zoning Amendment, this Attachment is to be completed and submitted at the time of application.

I (WE), _____, do hereby certify that I (We) am
(name(s) of owner(s) of subject property)
(are) the owner(s) of the property legally described as _____,
(Boone County Parcel Identification Number)
and hereby certify that I (We) have given authorization to _____, to
(Name of Petitioner and Representative (if any))
apply for the Zoning Amendment for My (Our) property.

Name of Owner(s):	Parcel Identification Number	Signature:	Date:

Notary Statement

Sworn to and subscribed before me the

_____ day of _____, 20_____
Notary Public in and for the State of Indiana.

My commission expires: _____

Notary Public / Printed

Seal

**Boone County Area Plan Commission
Zoning Amendment Application**

Attachment B: Variance Request

If the applicant requires a Variance to any of the development standards of the Zoning Ordinance, this Attachment is to be completed and submitted at the time of application.

Development Standard for Variance Request	Description of Proposed Alternative
1.	
2.	
3.	
4.	
5.	

Standards for Evaluating Variances

In accordance with the Boone County Zoning Ordinance, all of the following conditions must be met in order to grant a Variance:

1.	The Variance will not be injurious to the public health, safety, morals, and general welfare of the community because...
2.	The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because...
3.	The strict application of the terms of the Ordinance will continue the usual and unnecessary hardship as applied to the property for which the variance is sought because...

Boone County Area Plan Commission
Zoning Amendment Application

Attachment C: Waiver Request

If the applicant requires a Waiver to any of the development standards of the Subdivision Control Ordinance, this Attachment is to be completed and submitted at the time of application.

Development Standard for Waiver Request	Description of Proposed Alternative
1.	
2.	
3.	
4.	
5.	

**Boone County Area Plan Commission
Zoning Amendment Application**

Form: Notice of Public Hearing for Newspaper

This information along with the Legal Description is to be published one time in either the Lebanon Reporter or the Zionsville Times Sentinel. The publication is to be at least 15 days prior to the public hearing of the APC according to the Application Schedule. Contact each newspaper for their individual deadlines for publication submittals.

- *Lebanon Reporter - daily publication. (765) 482-4650. Legal notices are due by 12:00 noon five days in advance of the desired publication date.*
- *Zionsville Times Sentinel - Wednesday only publication. (317) 873-6397. Legal notices are due by 5:00pm on the Friday before the Wednesday publication.*

This is to inform you that the Boone County Area Plan Commission will hold a Public Hearing on

_____, 20__ at 7:00p.m. at the _____
(date)
_____, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by _____ requests a Zoning Amendment to
(applicant)
_____ acres of property located in _____ Township at
(acreage)

_____, and which is more specifically described
(property address/location)
in the following legal description. The request is for the purpose of allowing a Zoning Amendment. Information regarding this application can be viewed at the Boone County Area Plan Commission Office, 116 Washington Street, Lebanon, Indiana on or before such hearing. Written suggestions or objections relevant to the application may be filed up to five days prior to the hearing. Interested persons desiring to present their views verbally will be given the opportunity to be heard at the above mentioned time and place.

Applicant: _____

**Boone County Area Plan Commission
Zoning Amendment Application**

Form: Notice of Public Hearing for Surrounding Property Owners

This information along with the legal description, site plan, and Notice of Public Hearing brochure is be mailed to each of the surrounding property owners on the list supplied by staff. The notices are to be postmarked at least 15 days prior to the public hearing of the APC according to the Application Schedule.

This is to inform you that the Boone County Area Plan Commission will hold a Public Hearing on

_____, 20__ at 7:00p.m. at the _____
(date)
_____, Lebanon, Indiana. Call (765) 482-3821 for the exact location should a conflict occur.

The application submitted by _____ requests a Zoning Amendment to
(applicant)
_____ acres of property located in _____ Township at
(acreage)
_____, and which is more specifically described
(property address/location)

in the following legal description. The request is for the purpose of allowing a Zoning Amendment. Information regarding this application can be viewed at the Boone County Area Plan Commission Office, 116 Washington Street, Lebanon, Indiana on or before such hearing. Written suggestions or objections relevant to the application may be filed up to five days prior to the hearing. Interested persons desiring to present their views verbally will be given the opportunity to be heard at the above mentioned time and place.

Applicant: _____